

# FREDERICK COUNTY PLANNING COMMISSION

June 8, 2011

**TITLE:** Mount Saint Mary's Solar Array

**FILE NUMBER:** SP 84-22 (AP# 11643, APFO # 11642 & FRO #11703)

**REQUEST:** Site Plan

The applicant is proposing to construct an un-manned solar array farm consisting of 220,000 solar panels, on a 135.84-acre tract.

## PROJECT INFORMATION:

**LOCATION:** Located at the corner of College Ave and Old Frederick Road.

**ZONE:** Zoned: AG (Agricultural)

**REGION:** Thurmont

**WATER/SEWER:** W-NPS, S-NPS.

**COMP. PLAN/LAND USE:** Agricultural

## APPLICANT/REPRESENTATIVES: (as applicable)

**APPLICANT:** First Solar

**OWNER:** Mount Saint Mary's University

**ENGINEER:** DMW, Inc.

**ARCHITECT:** Not Listed

**ATTORNEY:** Not Listed

**STAFF:** Tolson DeSa, Principal Planner

**RECOMMENDATION:** Conditional Approval

## Enclosures:

Exhibit #1- Site Plan

Exhibit #2- Zoning Ordinance Modification Justification Statements

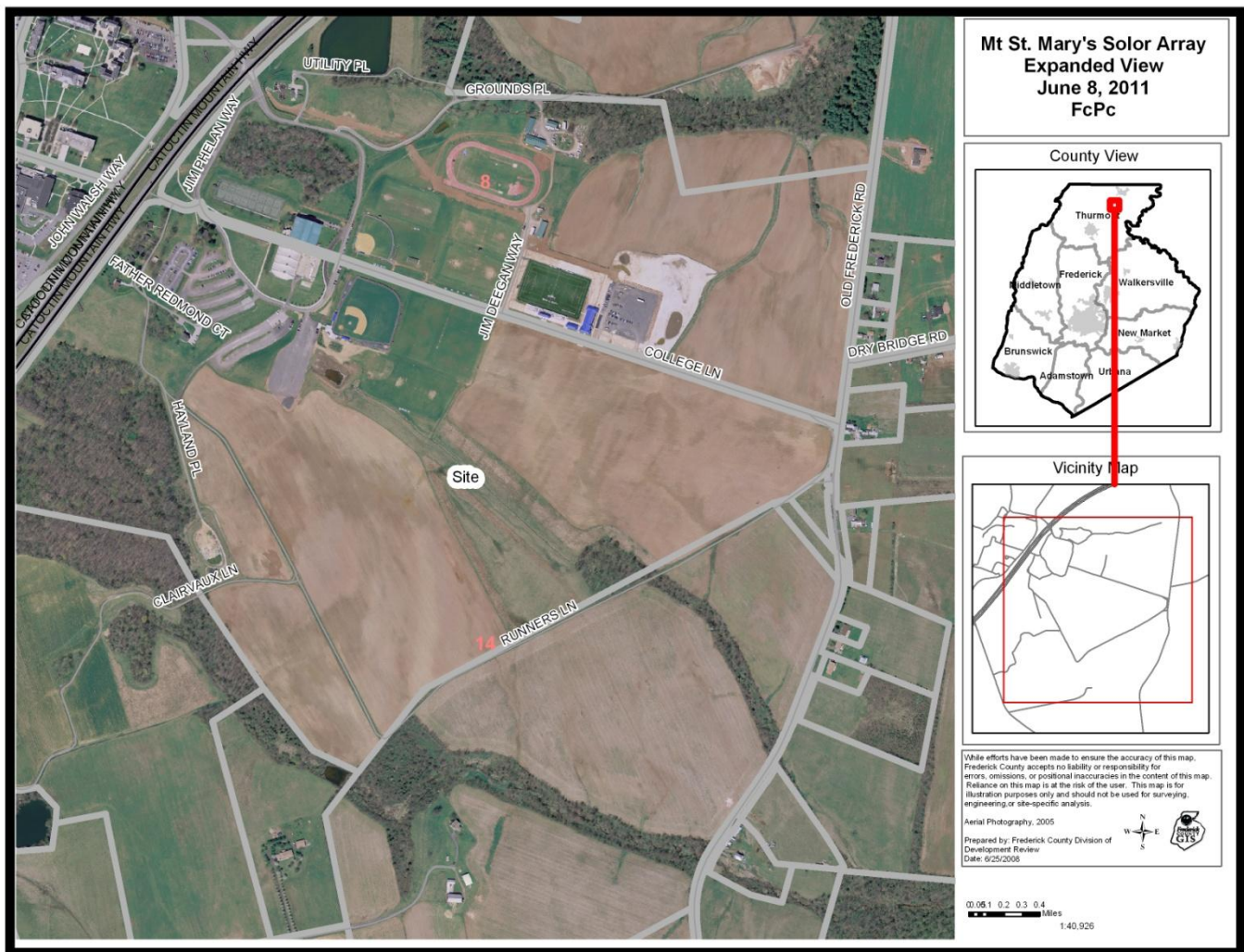
Exhibit #3- Board of Zoning Appeals Findings & Decision Letter B-11-01  
(to be emailed to FCPC members at a later date)

# STAFF REPORT

## BACKGROUND

The Applicant is requesting site plan approval for an un-manned solar array, consisting of 220,000 solar panels. The plan also proposes a total of 20 shelter, and switchgear buildings throughout the 135-acre complex for a combined square footage of 7,418 square feet. This facility will be un-manned; therefore, no parking, lighting, or loading is required.

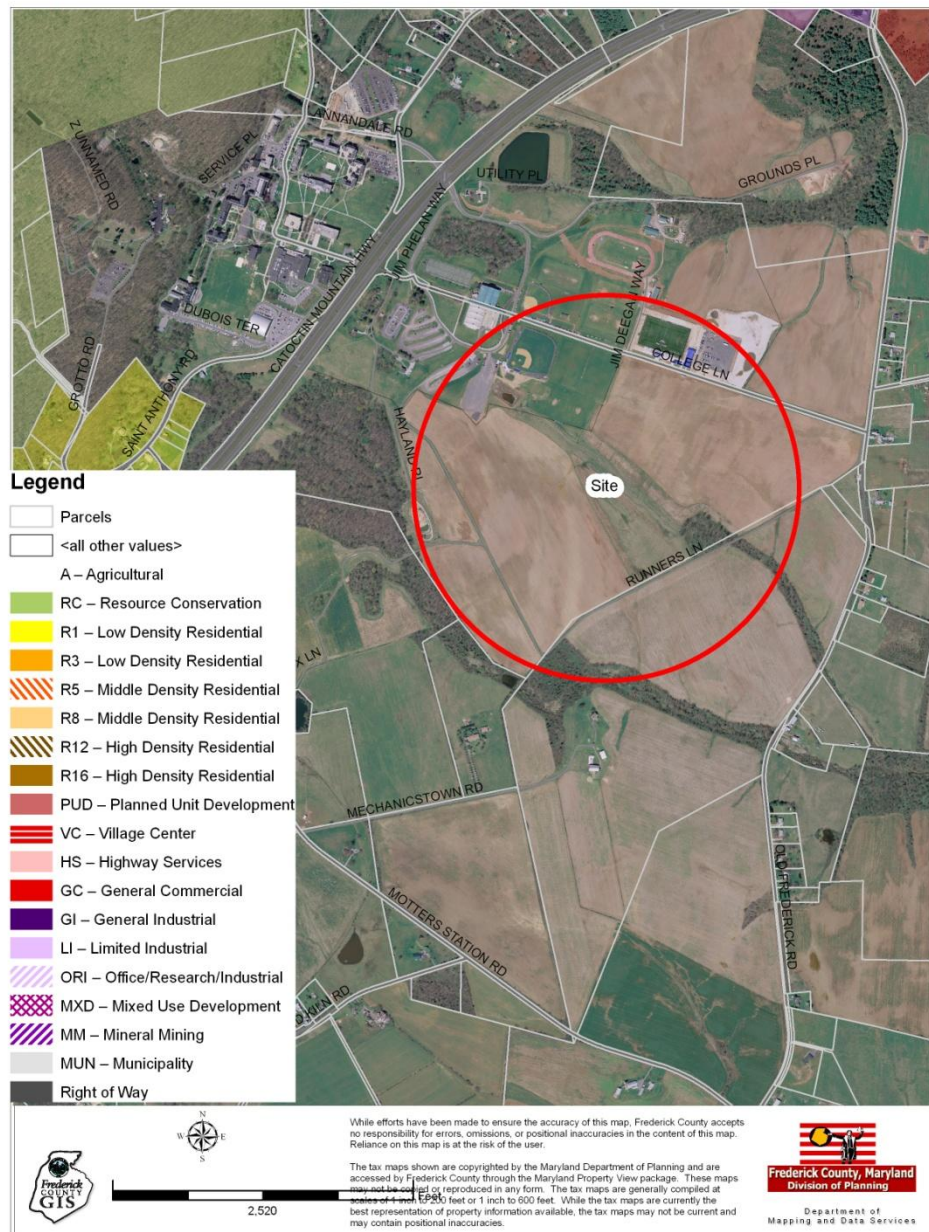
The Applicant requested a special exception from the Board of Zoning Appeals in order to allow a non-governmental utility (solar farm) to be constructed on the subject property. The request was approved by the Frederick County Board of Zoning Appeals on April 28, 2011, as Case B-11-01 (See attached Exhibit #3).



## ANALYSIS

**Land Use:** The proposed use is being reviewed as an “Nongovernmental Utility” under Governmental and Nongovernmental Utilities per §1-19-5.31 in the Zoning Ordinance and is a special exception use subject to approval by the Frederick County Board of Zoning Appeals in the AG Zoning District.

**Zoning:** The site is located within the Agricultural (AG) Zoning District, shown without color below.



**Dimensional Requirements/Bulk Standards:** Section 1-19-6.1 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 40-foot front yard and 50-foot rear yard, with 50-foot side yards. The minimum lot size for the zoning district is 40,000 square feet. The proposed plan meets the required Bulk/Dimensional requirements.

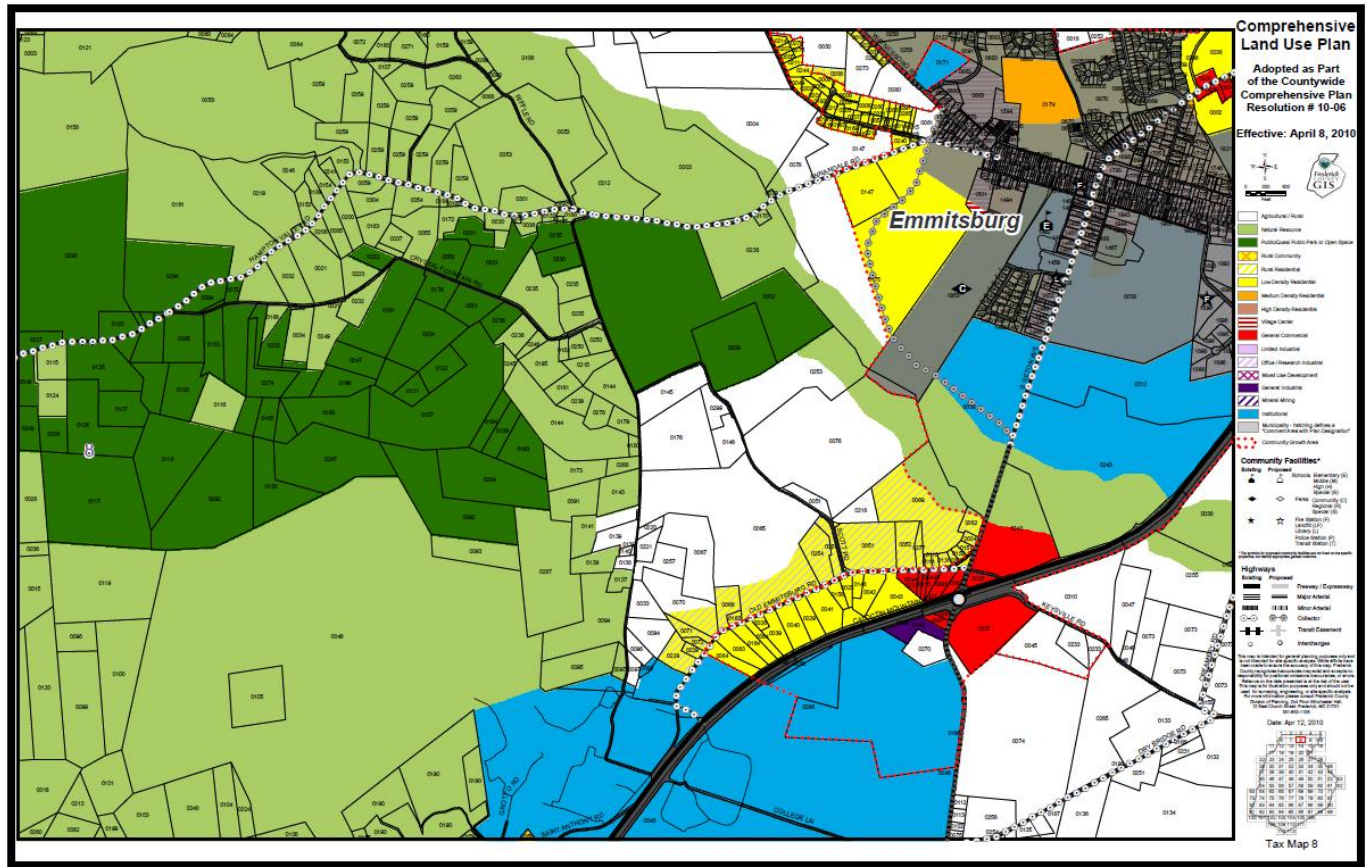
**Access/Circulation:** The access will be via a two-way access driveway located off Old Mechanicstown Road servicing the solar array maintenance roadway network. Old Mechanicstown Road is an abandoned roadway located off Old Frederick Road.



**Public Transit:** This site is not served by Transit.

**Frederick County Comprehensive Plan: Thurmont Region**

The Frederick County Comprehensive Plan indicates that the land use for the Mt St. Mary's Solar Array is Institutional, shown in blue below. The use proposed for solar array complies with the Land Use designation within the County Comprehensive Plan.



**Parking:** There are no parking stalls proposed, the use is an un-manned solar array farm, therefore there will not be regular visitors or employees regularly visiting the site. Any scheduled maintenance vehicles will be utilizing the internal roadway network during their panel maintenance routes and will not require traditional parking spaces. The Applicant has submitted a Zoning Ordinance Modification Request for the Parking Space Requirements in Section 1-19-6.220. Staff supports this modification request. (See attached Exhibit #2)

**Bicycle Parking Spaces:** There are no parking stalls proposed. The use is an un-manned solar array farm, therefore there will not be visitors or employees regularly visiting the site. The Applicant has requested a modification from the Bicycle Parking requirement §1-19-6.220. H.2 within the Zoning Ordinance. Staff supports the zoning modification request. (See attached Exhibit #2)

**Loading Area:** There are no loading spaces proposed. The use is an un-manned solar array farm, therefore there will not be visitors or employees regularly visiting the site. Any scheduled maintenance vehicles will be utilizing the internal roadway network during their panel maintenance routes and will not require traditional loading spaces. The Applicant has submitted a Zoning Ordinance Modification Request for the Loading Space Requirements in Section 1-19-

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6.210.B. Staff supports this modification request. (See attached Exhibit #2)

**Landscaping:** A landscape plan has been submitted as part of the site plan. The landscaping is designed with a variety of plant species, which are arranged to provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been consistently approved by the Planning Commission.

The Applicant is requesting an alternative landscaping plan in accordance with Zoning Ordinance §1-19-6.400.I. Landscaping the solar array farm to strictly meet code requirements would cause shading of the solar panels around the perimeter of the farm and result in a practical difficulty. An alternative screening, landscaping and buffering has been proposed on the site plan. (See attached Exhibit #2)

**Utilities:** The site is not served by private well or septic field and holds a W-NPS, S-NPS classification.

**Lighting:** There is no lighting proposed as part of this facility.

**Signage:** The Applicant is proposing a monument type sign that will not exceed the maximum square footage of signage allowed for the site. The proposed signage will adhere to the minimum setback requirements for the zoning district.

**Adequate Public Facilities Ordinance (APFO):** This plan is exempt from APFO, because this is a non-residential, un-manned facility generating less than one vehicle trip per day and requiring no water and sewer service.

**Forest Resource Ordinance (FRO):** The Applicant is proposing to preserve approximately 25.31-acres of forest easement area on site, as well as approximately 6.59 acres of on-site plantings of understory and shrubs. These areas will be placed within FRO preservation easements. The FRO final plan must be approved prior to final stamp and signature of the site plan. FRO mitigation must be provided prior to issuance of a grading or building permit.

#### **OTHER AGENCY COMMENTS**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Approved
<b><i>Development Review Planning:</i></b>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<b><i>State Highway Administration (SHA):</i></b>	N/A.
<b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b>	Approved
<b><i>Health Dept.</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>DPDR Traffic Engineering</i></b>	Approved
<b><i>Historic Preservation</i></b>	Approved

## **FINDINGS**

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

## **RECOMMENDATION**

Should the Planning Commission conditionally approve this Site Plan SP # 84-22 (AP# 11643, APFO 11642 & FRO 11703) for the proposed Mt. Saint Mary's Solar Array, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.
2. Approval of the modifications to the following Zoning Ordinance requirements:
  - a. 1-19-6.120.B Loading Space Requirements
  - b. 1-19-6.220.H.2 Bicycle Parking Space Requirements
  - c. 1-19-6.220 Parking Space Requirements
  - d. 1-19-6.400.I Alternative Landscaping Plan Provision

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Forest plans must be approved prior to site plan signature, forest mitigation must be provided prior to issuance grading or building permits.
3. Note the Modifications to the following Zoning Ordinance Sections on the site plan:
  - a. 1-19-6.120.B Loading Space Requirements
  - b. 1-19-6.220.H.2 Bicycle Parking Space Requirements
  - c. 1-19-6.220 Parking Space Requirements
  - d. 1-19-6.400.I Alternative Landscaping Plan Provision





**Exhibit #2 Mount St. Mary's Solar Array Zoning Ordinance Modifications Requests**



May 20, 2011

Frederick County Government  
Division of Permitting & Development Review  
Attn: Mr. Tolson DeSa, Development Review Principle Planner I  
30 North Market Street  
Frederick, MD 21701

Re: Mount Saint Mary's University – Solar Array  
Site Plan (AP # 11643)  
DMW Project No. 11-700

Dear Mr. DeSa:

On behalf of our client, Constellation Energy (the Applicant), please accept this letter as our request for the following Modifications to the Zoning Ordinance for the referenced Site Plan application.

1. Section 1-19-6.210(B)-Loading Requirements-The development of the solar farm will not request any delivery vehicles and therefore does not need any loading spaces.
2. Section 1-19-6.220(H)-Bicycle Space Requirements-The solar farm will be an unmanned, gated and locked facility and will not need to provide bicycle racks.
3. Section 1-19-6.220- Parking Space Requirements- The development of the solar farm will be un-manned and will not require public parking spaces.
4. Section 1-19-6.400(f)- Landscaping and Screening Requirements-Landscaping the solar farm to strictly meet code requirements would cause shading of the solar panels around the perimeter of the farm and result in a practical difficulty. Alternative screening, landscaping and buffering has been proposed on the site plan.

Should you have any questions or additional comments please feel free to contact this office at your earliest convenience.

Very Truly Yours,  
Daft-McCune-Walker, Inc

A handwritten signature in black ink, appearing to read "Mark Crissman", is written over the typed name.

Mark Crissman, PE, PLS  
Vice President, Branch Office Manager

MSC/csm

Enclosures

cc: Rick Justice, Constellation Energy  
Andrew DiPasquale, Miles & Stockbridge

TOWSON: 200 EAST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21206 P: 410 296 3333 F: 410 296 4705  
FREDERICK: 8 EAST SECOND STREET, SUITE 201, FREDERICK, MARYLAND 21701 P: 301 696 9040 F: 301 696 9041  
BERLIN: THE PAVILIONS, 11200 RACETRACK ROAD, SUITE 202, BERLIN, MARYLAND 21811 P: 410 641 9980 F: 410 641 9948

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